

CHAPTER SIX: RECOMMENDATIONS

6.1 ACTIONS AGAINST WRONGDOERS AND PROTECTION FOR WHISTLE BLOWERS

The following three Recommendations are self-evident:

Recommendation 1: *That the illegal actions by educators identified by the Task Team be reported to SAPS for further action and that the Minister engages her counterpart in the police to dedicate resources to this category of cases to ensure fair and expeditious resolution.*

Recommendation 2: *That disciplinary action be taken against those officials who had the responsibility to check acts of corruption but failed to do so.*

Recommendation 3: *That action be taken quickly to protect whistle-blowers. We recommend a dedicated project across competent authorities to investigate and act on all cases for a defined period.*

6.2 MANAGEMENT OF THE DEPARTMENT OF BASIC EDUCATION

In consequence of statements by MECs, HoDs and senior managers in the Department, the Ministerial Task team (MTT) has been led to understand that control in two-thirds of the Provinces has been captured by the South African Democratic Teachers' Union (SADTU). The MTT has two recommendations for this aspect of the Department's responsibility.

Recommendation 4: *That the Department of Basic Education regain control of administering and managing the education system in all Provinces so that clear distinctions are established between the roles and functions of the DBE and the concerns of Teachers' Unions.*

Provinces such as the Free State, Northern Cape and the Western Cape, appear to have retained Departmental control. In two cases, inherited management systems were strengthened. In one case, there is no single dominant Union. And in another, relations

between the Department and the dominant Union are not adversarial. The MTT believes that valuable lessons are to be gained from these examples AND that Recommendation 5 should be implemented.

Recommendation 5: *That the Minister requires all Provinces to complete and implement their delegations frameworks in line with the Cabinet approved 2013 Public Administrations delegations framework and that the Minister adjusts the Education sector legislation accordingly.*

6.3 SELECTION AND APPOINTMENT OF EDUCATORS

There are many different views within the educational community over an appropriate future for School Governing Bodies (SGBs). These views are reflected in Chapter 4 of this Report. The preponderant view is that the power to make appointments to promotion posts should be taken away from SGBs and be located in the Department. At the same time, the fourth tier of democracy in South Africa must be protected. Suggestions from the Report to the DoE, 'School Governance in South African Public Schools' in 2003 should be examined for ways in which SGBs can be supported and strengthened. However, in the light of the 2015 Basic Education Laws Amendment Bill and other forms of pressure, the MTT has framed Recommendation 6.

Recommendation 6: *That the powers of School Governing Bodies to make recommendations for the appointment of post level 2 and above be taken away and that the South African Schools Act and the Employment of Educators Act be amended to reflect this.*

Interviews with Unions and managers in the Department have persuaded the MTT of the central importance in South African schooling of principals in the provision and management of quality education. This is why the MTT makes the following strong Recommendation about the process of appointing principals.

Recommendation 7: *That principals be selected by panels which have the resources to evaluate the competence and suitability of the candidates for their leadership and*

management as well as their academic, experiential and professional abilities. The panels should include educators of suitable rank and experience. The pre-interviewing testing of candidates should occur and the results should be available to the panel members. The interviewing panels should be convened by the District Managers and a Departmental representative should be present as a suitably prepared Resources Person, having, for example, full details of the schools for which the interviews are being held.

This next Recommendation follows logically from Recommendation 7.

Recommendation 8: *It should not be possible for a person to be promoted to principal from a post-level 1 position. Insofar as this happens at present, regulations should prohibit it.*

Despite vehement disclaimers by Teacher Unions that their representatives at selection panels are mere observers, it has been made clear to the MTT that they frequently play active and interventionist roles. This is not acceptable practice. The MTT supports Union presence at all selection panel meetings but under strict conditions.

Recommendation 9: *That the observer status of Unions be renegotiated with respect to the recruitment process.*

To counter the pernicious effects of political appointments and the deployment of inappropriate appointees, rigorous processes of selection need to be applied to all candidates for office-based positions in education. Furthermore, Recommendation 2 implies that all staff should be accountable and have regular performance assessments. The aim is to establish a civil service culture.

Recommendation 10: *That those who are appointed to Districts and provincial offices should be required prior to appointment to demonstrate their capacity to carry out the job for which they have applied. There should be neither political appointments nor cadre deployments.⁸¹ People in these posts should be accountable to their employer and be assessed regularly.*

⁸¹ This does not mean that appointees should not have their own political affiliations.

6.4 EDUCATORS AND AFFILIATIONS

The MTT recognises the right of educators to do as they choose in their private time. However, involvement in leadership positions in Unions and political parties sets up inevitable conflicts of interest. Civil servants are committed to serving the public at large without bias or partiality. In addition, managers in education should not be Union activists, for they represent the Department and its concerns which are different from the interests of the Unions.

Recommendation 11: *That both school- and office-based educators cease to be office-bearers of political parties and, to avoid the undesirability of conflict of interest, educators in management posts (including school principals) should not occupy leadership positions in Teachers' Unions.*

The MTT encourages the formation of occupational Unions for office-based educators. These Unions should address the interests and concerns of those who are no longer practising teachers. Models of unions from universities and civil service sectors might be investigated so as to inform the kind of professional union which the MTT has in mind.

Recommendation 12: *That it seems desirable that separate and distinct Unions be established for office-based educators.*

Given the evidence provided, it is the impression of the Task Team that the exercise of undue influence (a polite word for corruption) is endemic to greater and lesser degrees in the entire education system and that as a first move to cleanse the system, cadre deployment should not be permitted.

It is therefore recommended that:

RECOMMENDATION 13: *That measures be put in place to ensure that the practice of cadre deployment into DBE offices and schools ceases entirely.*

6.5 DEVELOPMENT OF A VISION FOR SOUTH AFRICAN EDUCATION

The absence of a cohering vision for education has been cited in this Report (Chapter 5) as one reason why the DoE/DBE has never had an adequate opportunity to succeed as many have wanted it to. There is now opportunity for ongoing discussions by all stakeholders about what vision and/or philosophy should underpin all forms of public education in South Africa.

Recommendation 14: *That the DBE and the DHET, with universities and other stakeholders, including unions, lead ongoing discussions aimed at developing a broad-based philosophy of education, consistent with our history and Constitution, which will underpin the education and training of educators and shape the practice of education in public schools throughout South Africa.*

6.6 SOUTH AFRICAN COUNCIL OF EDUCATORS (SACE)

The MTT is of the view that SACE has become sectarian by virtue of the domination of a single Teacher Union and its allegiance to one political party. SACE is a public entity that should use its broad mandate to serve the educational interests of all stakeholders. Reflection on the future of SACE should be driven by the DBE and its associates.

Recommendation 15: *That the roles South African Council of Educators (SACE) be reconceptualised and that SACE be freed from Union and political domination.*

From its meetings with the SACE, the MTT was led to believe that the SACE investigation would yield hard and fast instances of malpractice in Umlazi, KZN and in Mpumalanga. Inexplicably, SACE has produced nothing of use for the Task Team other than an incomplete synopsis of some of the cases investigated. Since the Task Team has not been shown the final SACE Report, we suggest strongly that the Minister requires SACE to provide copies of the narrative Report to her once completed. It is therefore recommended:

RECOMMENDATION 16: *That SACE releases to the Minister its full Report on the buying and selling of posts when completed.*

6.9 CONCLUSION

This Report has given its attention to two main matters:

1. The perceived impact upon the educational environment of the relationship between the Department of Basic Education and Teachers' Unions, and
2. The presence of irregularities in the selection and appointment of educators within the context of that environment.

The Report's conclusion is that the present environment is not conducive to the provision of quality education, and that there are significant problems in the current system of appointments to posts in education and its recommendations are intended to assist the Department of Basic Education and the educational community in general to address these challenges.

The Report also provides sufficient evidence that Teacher Unions have a significant impact on the delivery of education in South Africa. If Teacher Unions are to play a genuine role in enhancing teaching and learning, they will need to reposition themselves in order to focus on the task of becoming professional/occupational unions, rather than an industrial union with an adversarial relationship with its employer.

Furthermore, these Unions appear to have lost their links with communities. Instead Teacher Unions at present carry the burden of supporting political movements, of holding the education system together at some provincial and local levels and functioning in support and defence of their members. They are rendered almost incapable of thinking and acting educationally as a result.

Finally the MTT wishes to express its gratitude for the free-hand provided to it by the Minister to conduct its investigative work and the space to decide on the methodological

approach followed and the conclusions arrived at. The MTT is also thankful for the level of cooperation given to it by the Teacher Unions. At no point did the members of the MTT feel constrained from pursuing issues vigorously and openly, or feel pressurised to arrive at a pre-determined conclusion. The data collected through the various interviews conducted were collated and find voice in this Report. Where more than one view is expressed on a matter we have endeavoured to allow the data to speak.

The basic attitude adopted by the MTT members in performing their task was to ascertain facts and other information towards understanding the circumstances in which the recruitment and appointment of educators is taking place and to make recommendations to the Minister based on those findings. It has not been the purpose of the MTT to apportion blame or to indict any persons or organisations. However, clear indications of wrongdoing have been established and pursued.

The Report provides critique of the role by all stakeholders in the process of selection and recruitment of educators. It is hoped that the findings in this Report will serve as a metric that can be used to establish the extent to which the process of appointment of educators have been tarnished and to provide an opportunity for the education system to cleanse itself from such blemishes.

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